

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
BERDA MAE PHILLIPS,)
Defendant.)
) NO. CR05-203RSM
) GOVERNMENT'S MOTION AND
) ORDER TO DISMISS THE
) INDICTMENT
)
)

The United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Norman M. Barbosa, Special Assistant United States Attorney for said District, seeks this Court's leave to dismiss the captioned criminal case as further described below.

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed herein, the United States Attorney's Office for the Western District of Washington hereby dismisses without prejudice the Criminal Indictment, Number CR05-203RSM, pending against Berda Mae Phillips.

Upon further investigation and information, the Government has determined that proceeding on the felonies charged in CR05-203RSM is currently inappropriate. The Government has learned that Ms. Phillips was diagnosed with late stage IV breast cancer. Ms. Phillips has recently gone through radiation treatment (from January, 2006, through March 8, 2006). Defendant and her attorney, Jackie Walsh, have no objections to this Motion to Dismiss.

1 Dated: this 3rd day of May, 2006.
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3 Respectfully submitted,
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5 JOHN McKAY
6 United States Attorney
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18 **O R D E R**

19 Leave of court is hereby GRANTED for the filing of the foregoing dismissal.
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21 Dated: this 9 day of May, 2006.
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23 
24 RICARDO S. MARTINEZ
25 UNITED STATES DISTRICT JUDGE
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27 PRESENTED BY:
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29 s/Norman M. Barbosa
30 NORMAN M. BARBOSA
31 Special Assistant United States Attorney
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